

Applicant: Bernalillo County
Zoning, Building, Planning &
Environmental Health Department
111 Union Station St. SE
Albuquerque, NM 87111

Property Owner: New Mexico Department of
Transportation

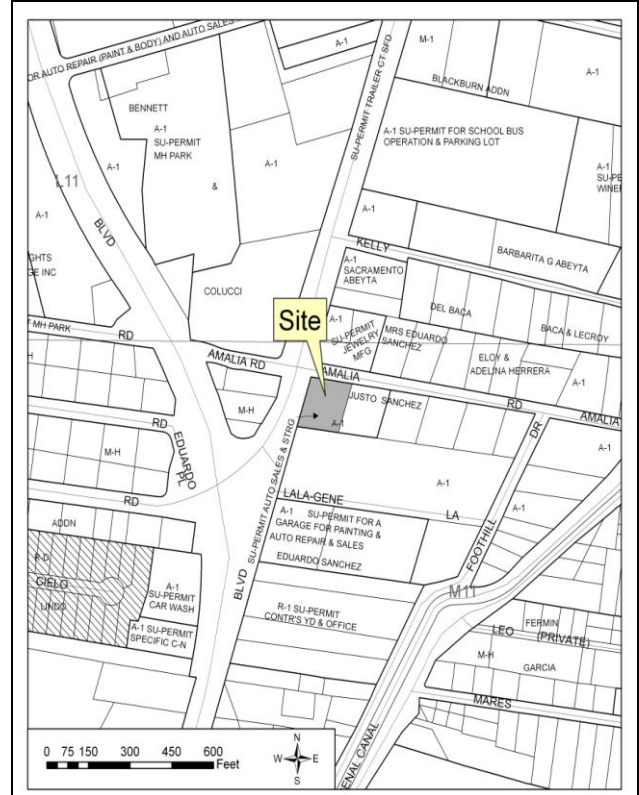
Location: 1428 Old Coors Boulevard
SW

Property Size: .56 acre +/-

Existing SUP: Special Use Permit for
Specific Uses for Sales of
Automobiles, Auto Body,
Paint Shop and Outside
Storage of Automobiles

Zoning: A-1

Recommendation: Cancellation



Summary: The Zoning, Building, Planning & Environmental Health Department proposes cancellation of an existing Special Use Permit for a Specific Uses for Sales of Automobiles, Auto Body, Paint Shop and Outside Storage of Automobiles. Despite repeated contact from the Zoning Enforcement Office, the property owner has not responded. The property owner has not initiated the process to correct the violation of the Special Use Permit.

Staff Contact: Enrico Gradi, Program Planner

- Attachments:**
1. Notice of Special Use Permit (November 20, 1987)
 2. Approved site plan (January 15, 1988)
 3. Notice of violation (September 20, 2010)
 4. Notice of violation (October 22, 2010)
 5. Notice of intent to cancel SUP (January 4, 2010)
 6. Zone Atlas Page

CSU-87-55 The Zoning, Building, Planning & Environmental Health Department requests cancellation of a Special Use Permit for a Special Use Permit for a Specific Uses for sales of Automobiles, Auto Body, Paint Shop and Outside Storage of Automobiles on tract A, Lands of Justo Sanchez, MRGCD Map #43, located at 1428 Old Coors Boulevard SW. Zoned A-1, and containing approximately .56 acres.

AREA CHARACTERISTICS & ZONING HISTORY
Surrounding Zoning & Land Uses

	Zoning	Land use
Site	A-1 Special Use Permit for a Specific Uses for sales of Automobiles, Auto Body, Paint Shop and Outside Storage of Automobiles	Auto Body, Paint Shop and Outside Storage of Automobiles
North	A-1 Special Use Permit for RV Storage	RV Storage
South	A-1	Commercial Business
East	R-1	Single Family Dwellings
West	M-H	Old Coors Boulevard

BACKGROUND

Special Use Permit History & Overview

On November 17, 1987 the Board of County Commissioners authorized a Special Use Permit for a Specific Uses for Sales of Automobiles, Auto Body, Paint Shop and Outside Storage of Automobiles. The Special Use Permit was approved for the life of the use. The Special Use Permit was subject to the condition that it met the requirement of the approved site plan. These conditions include the requirement of screening surrounding the site. Although numerous attempts have been made to contact the owner, this condition has not been met.

Subject Site & Surrounding Properties

The property is situated on east side of Isleta Boulevard and the west side of South De Baca Circle. The properties along De Baca Circle are all zoned R-1 and contain single family dwellings. The properties adjacent to Lots 1 and 2 are zoned C-1 and contain commercial development.

APPLICABLE REGULATIONS & POLICIES

Comprehensive Zoning Ordinance of Bernalillo County

Section 18. Special Use Permit Regulations.

H. Violation of the approved development plan or any condition imposed by the Board of County Commissioners in approving an application filed under this section shall constitute a violation of this ordinance and shall be subject the permit to cancellation pursuant to this section.

1. Procedures for Cancellation:

- (a) The Zoning Administrator or his designee has the duty of routinely inspecting the Special Use Permit to insure compliance with the approved development plan and conditions imposed by the Board of County Commissioners.
- (b) If the Zoning Administrator or his designee shall find that any of the conditions of the approved development plan or the conditions imposed by the Board of County Commissioners have not been complied with, they shall notify in writing, the owner, tenant, agent, occupant, or person in charge of the premises, indicating the nature of the violation and ordering its correction within 30 days.
- (c) In an event that a violation of the approved development plan or conditions imposed by the Board of County Commissioners continues, the Zoning Administrator or his designee may institute the appropriate action to cancel the Special Use Permit pursuant to this section of proceed against the owner, tenant, agent, occupant, or person in charge of the premises, pursuant to the Penalty section of this Ordinance.
- (d) Any violation o the approved development plan or conditions imposed by the Board of County Commissioners that continues for a period of 30 days after notification by certified mail receipt return requested shall subject the Special Use Permit to cancellation pursuant to the process outlined under Section 18.E.,
- (e) Subsections 1, 2, and 3. In the event that the Special Use Permit is cancelled, all references to said Special Use Permit shall be removed from the official zoned maps by the County Planning Department.

2. In the event a use authorized by a Special Use Permit is not established within 12 months of the date of approval or is discontinued for a period of 12 months, the County Planning Department shall send notification by certified mail return receipt requested requiring the property owner, tenant,

agent, occupant, or person in charge of the premises to state in writing within 30 days his or her intention to establish or continue said permit. If the property owner, tenant, agent, occupant, or person in charge of the premises does not declare in writing his or her intention to establish or continue said permit, then authorization or approval may be cancelled and relevant documents, if any, shall be removed from the official zone maps by the County Planning Department.

ANALYSIS

This site is located on the corner of Amalia Road and Old Coors Boulevard. The site is located in an area the contains a mix of residential and commercial uses, most of the commercial uses face Old Coors Boulevard, however some extend back into the residential areas.

This cancellation is a result of continued violations of the Special Use Permit (CSU-87-55) and the corresponding site development plan approved for the permit. Specifically, the establishment of the Special Use Permit requires that screening be provided around the site. To date, screening has not been provided.

The Bernalillo County Planning Department has notified the property owner, via registered letter, of noncompliance with the provisions of the Special Use Permit on January 4, 2010, as described in Section 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County. In addition, letters have been sent to the applicant on October 22, 2007 and September 20, 2007 informing of the procedures required to address this issue. To date we have not heard from the property owner.

Proposed Findings for Cancellation

1. This is a request for the cancellation of a Special Use Permit for a Specific Uses for Sales of Automobiles, Auto Body, Paint Shop and Outside Storage of Automobiles on tract A, Lands of Justo Sanchez, MRGCD Map #43, located at 1428 Old Coors Boulevard SW. Zoned A-1, and containing approximately .56 acres.
2. This matter is a result of continued violations of the Special Use Permit (CSU-87-55) and the corresponding site development plan approved for the permit. Specifically, the requirement that screening be provided around the site.
3. The Bernalillo County Planning Department notified the property owner of noncompliance with the provisions of the Special Use Permit on January 4, 2010, as described in Section 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County. The property owner failed to respond to each letter.
4. This decision removes the Special Use Permit (CSU-87-55) from the property, and reverts the zoning on the site back to the underlying zoning designation of A-1.

RECOMMENDATION:

Cancellation of CSU-87-55.

Enrico Gradi
Program Planner